

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**CURTIS R. SPIVEY, JR.,**  
**Plaintiff,**

**v.**

**UNITED STATES OF AMERICA,**  
**Defendant.**

)  
)  
)  
)  
)  
)  
)

**Civil Action No. 7:14cv00098**

**ORDER**

**By: Michael F. Urbanski**  
**United States District Judge**

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** that the government's motion to dismiss (Docket No. 16) is **DENIED without prejudice** and the United States is **DIRECTED** to file, within thirty days of the entry of this order, a new dispositive motion with detailed information directed to the issue of the timing and impact of the U.S. Parole Commission's detainer.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to the parties.

Entered: February 6, 2015

*Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge